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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

SHARMALEE GOONEWARDENE,

Plaintiff and Appellant,

v.

ADP, LLC et al.,

Defendants and Respondents.

B267010

(Los Angeles County
Super. Ct. No. TC026406)

APPEAL from a judgment of the Superior Court of Los Angeles County,
William Barry, Judge. Affirmed.

Glen Broemer for Plaintiff and Appellants.

Morgan Lewis & Bockius LLP, Robert Lewis, Thomas M. Peterson and
Zachary Hill for Defendants and Respondents.

This opinion resolves the above-captioned appeal in accordance with the directions of our Supreme Court (*Goonewardene v. ADP, LLC* (2019) 6 Cal.5th 817, 842-843). In the underlying action, appellant Sharmalene Goonewardene's fifth amended complaint (5AC) asserted claims against respondents ADP, LLC, ADP Payroll Services Processing, Inc. and AD Processing, LLC for wrongful termination, violations of the Labor Code and federal labor laws, breach of contract, unfair business practices, false advertising, negligence, and negligent misrepresentation. The 5AC alleged that respondents entered into a contract with a California corporation and a New York corporation bearing the same name -- Altour International Inc. -- and Alexandre Chemla, who was alleged to be the corporations' alter ego (collectively, Altour). According to the 5AC, under the contract, respondents were required to provide payroll services relating to Altour's employees, including appellant; additionally, the 5AC alleged that respondents acted as appellant's employer.

When respondents demurred to the 5AC, the trial court sustained the demurrer without leave to amend, and asked respondents to prepare the final order reflecting its ruling. While that order was pending, appellant submitted a motion for reconsideration and a proposed sixth amended complaint (6AC). The motion for reconsideration sought leave to file the 6AC, which contained claims similar to those in the original 5AC, with additional factual allegations. Several claims in the 6AC relied on the theory that respondents acted as appellant's employer; the remaining claims for breach of contract, negligent misrepresentation, and negligence hinged on the allegation that appellant was a third party beneficiary of Altour's contract with respondents. Without expressly denying the motion for reconsideration, the trial court entered a final order sustaining respondents' demurrer to the 5AC without leave to amend, and a judgment of dismissal in favor of respondents.

In our original opinion (*Goonewardene v. ADP, LLC* (2016) 5 Cal.App.5th 154, review granted, Nov. 15, 2017, S238941), our focus was on whether the trial court erred in denying leave to file the 6AC, as appellant asserted no cognizable attack on the rulings sustaining the demurrers to the 5AC. We concluded that the 6AC stated claims against respondents only for

breach of contract, negligent misrepresentation, and negligence. We therefore reversed the trial court's judgment insofar as it denied appellant leave to file an amended complaint asserting claims against respondents limited to breach of contract, negligent misrepresentation, and negligence, and affirmed the judgment in all other respects.

In *Goonewardene v. ADP, LLC, supra*, 6 Cal.5th at pages 826-842, our Supreme Court held that those claims failed. Pursuant to the Supreme Court's directions, we now affirm the trial court's judgment in favor of respondents in its entirety. Respondents are awarded their costs on appeal.

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MANELLA, P. J.

We concur:

WILLHITE, J.

COLLINS, J.